

# Exhibit 44

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.*

Civil Action No. 07-10248-PBS

Exhibit to the July 24, 2009, Declaration of James J. Fauci  
In Support of Plaintiff's Motion for Partial Summary Judgment and  
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

MAY-28-96 TUE 10:59 AM R.J.DENMAN

714 493 9157

P.02



P.O. Box 16532 • Columbus, Ohio 43216-6532 • Phone 614/276-4000 • Fax 614/274-0974

**NOW AVAILABLE FROM ROXANE LABORATORIES, INC  
IPRATROPIUM BROMIDE INHALATION SOLUTION 0.02% UDV  
(UNIT DOSE VIALS)**

Roxane Laboratories, Inc. is pleased to announce the availability of Ipratropium Bromide Inhalation Solution 0.02% UDV (25's), the first and only generic equivalent of Atrovent® Inhalation Solution UDV. In anticipation of product shipment, we are interested in serving your needs for this product through negotiation of a sole source, three year, market protection pricing agreement.

**PRODUCT INFORMATION**

- **Ipratropium Bromide Inhalation Solution 0.02% UDV**
- **NDC 0054-8402-11**
- **Each carton contains 25x2.5mL vials in a foil pouch  
Each case contains 48 cartons**
- **AWP \$44.06/Carton of 25 vials**
- |                                 |   |
|---------------------------------|---|
| <b>Base Contract Price</b>      | <b>\$ 23.80/Carton up to 5 cases/order *</b>    |
| <b>Volume Discount Level I</b>  | <b>\$ 23.32/Carton 5 to 11 cases/order *</b>    |
| <b>Volume Discount Level II</b> | <b>\$ 22.61/Carton 12 or more cases/order *</b> |
- |   |   |
|---|---|
| <b>* Orders must be placed<br/>directly with:</b> | <b>Roxane Laboratories, Inc.<br/>Customer Service Department<br/>P.O. Box 368 (900 Ridgebury Road)<br/>Ridgefield, CT 06877</b> |
|---|---|
- |                                  |                     |
|----------------------------------|---------------------|
| <b>Call Customer Service at:</b> | <b>800-520-1631</b> |
| <b>Customer Service FAX :</b>    | <b>800-520-1666</b> |
- **90 Days Dating on First Order !! Initial order must be in case lots.**

ROXANE • PAIN • INSTITUTE™



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**Ipratropium Bromide Inhalation Solution 0.02% UDV**  
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The purchase of this product shall be subject to the provisions of this agreement and to Roxane Laboratories, Inc. (RLI) standard terms and conditions in effect at the time of purchase. For the duration of this agreement, customer agrees not to resell any products purchased from RLI to any third party, except to home care patients serviced through customer's normal homecare pharmacy business. The diversion by customer of Ipratropium Bromide Inhalation Solution sold by RLI shall result in the immediate termination of this agreement. If during the term of this agreement, customer considers an offer for an identical commercially prepared product, customer will provide RLI with a copy of the offer and allow RLI first right of refusal. Customer will allow RLI authorized personnel 7 (seven) days to propose a new price offer. This agreement may not be assigned by customer. This agreement shall be governed by and construed in accordance with the laws of the State of Ohio and any and all disputes arising under or concerning this agreement shall be before the courts of the State of Ohio.

Roxane Laboratories, Inc. hopes that you will take advantage of this special offer. You may indicate your acceptance of this agreement by returning a signed copy of this offer to the Roxane Contract Sales & Administration office by mail, or FAX your copy to 614/276-2470.

**Offered by:**

Roxane Laboratories, Inc.

P.O. Box 16532

Columbus, OH 43216-6532

**Accepted by:**

Apria Pharmacy Network

350 N. Lantana, #61

Camarillo, CA 93012

\_\_\_\_\_  
Name

Robert S. Osullivan

\_\_\_\_\_  
Title

Operations Manager

\_\_\_\_\_  
Date

5-28-96

The initial term of this agreement will be June 3, 1996 through June 30, 1999.

Ipratropium Bromide Inhalation Solution 0.02% UDV (Roxane) packaging configuration data:

Carton dimensions:	9" (L) 1 3/4" (H) 6 5/8" (W)
Shipping Case contains:	48x25x2.5mL and weighs 18 lbs.
Shipping Case dimensions:	20 5/8" (L) 15 1/8" (H) 18 5/8" (W)

Atrovent® is a registered trademark of Boehringer Ingelheim International GmbH

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